

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)  
Attorney Docket: 056208.50262C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/890,704

Filed on August 3, 2001

Of Kazunoir Irihune et al.

Entitled: MOTOR DRIVING TYPE THROTTLE APPARATUS

Examiner: John Kwon

Group: 3747

- X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.  
Total pages of specification, claims and abstract: 41
- X 2. New Formal drawings are being filed herewith consisting of 22 sheet(s), depicting Figures 1-22.
- X 3. Declaration and Power of Attorney:
- a. — Newly executed (original or copy)
- b. X Copy from prior application
- i. — Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application
- X 4. Incorporation by Reference:
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- \_\_\_ 5. Small entity status:
- a. \_\_\_ A small entity statement is enclosed
- b. \_\_\_ A statement of small entity status (copy attached) was filed on \_\_\_ in the prior application and status as a small entity is still proper and desired.
- c. \_\_\_ Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>7</u>	-	20 = <u>0</u>	x	18 = <u>\$0</u>	18 = <u>\$00.00</u>
Ind. Claims	<u>4</u>	-	3 = <u>1</u>	x	86 = <u>\$86</u>	86 = <u>\$86.00</u>
	Multiple Dependent Claims			+	145 = <u>\$</u>	290 = <u>\$</u>
	Total				<u>\$</u>	<u>\$856.00</u>

- \_\_\_ 7. Please charge my Deposit Account No. 05-1323 (Docket #\_\_\_) in the amount of \$\_\_\_.
- X 8. A check in the amount of \$856.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056208.50262C2).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 09/890,704, filed August 3, 2001.--
- X 11. Priority of Appln. No(s). 11-86859, filed in Japan on March 29, 1999 (PCT International Appln. JP00/00671, filed February 28, 2000), is hereby claimed under 35 U.S.C. 119.
- \_\_\_ 12. A certified copy of each said priority document was filed in application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- X 13. The prior application is assigned of record to Hitachi, Ltd..
- X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

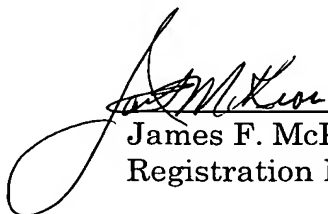
Customer No.

23911

- X 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 16. Return Receipt Postcard.
- X 17. A Preliminary Amendment is being filed herewith.

Respectfully submitted,

March 30, 2004

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Tel: (202) 624-2500  
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JFM/lvb  
(311914)

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 856.66)

## Complete if Known

Application Number TBA  
 Filing Date March 30, 2004  
 First Named Inventor Kazunori IRIHUNE  
 Examiner Name J. Kwon  
 Art Unit 3747  
 Attorney Docket No. 056208.50262C2

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 05-1323  
 Deposit Account Name Crowell & Moring LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any deficiency or credit any overpayments to the deposit account of the undersigned. Attorney Docket No. 056208.50262C2
☐ Charge any additional fee(s) during the pendency of this application.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1)

770

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** = 0	x 18	= 0.00
Indep. Claims	4	-3** = 1	x 86 = 86
Multiple Dependent			= 856.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 856.00

\*\*or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1406 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	James F. McKeown	Registration No. (Attorney/Agent)	25,406	Telephone	202-624-2500
Signature		Date	03/30/2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.